

CIVIL NO. 1:04CV162

ORDER OF DISMISSAL

On August 16, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendant's motion to dismiss for failure to respond to discovery. The Plaintiff, who is proceeding *pro se*,¹ and counsel for the Defendant were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service

¹The Plaintiff was initially represented by counsel. However, he was allowed to withdraw from the action after Plaintiff failed to answer Defendant's discovery.

of the Recommendation; the period within which to file objections expired on September 2, 2005. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the action be dismissed.

IT IS, THEREFORE, ORDERED that the Defendant's motion to dismiss for failure to respond to discovery is **ALLOWED**, and this matter is hereby **DISMISSED WITH PREJUDICE**.

Signed: September 8, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

